

REMARKS

Reconsideration of the application is requested.

Claims 2-9, 11, 12, and 18-26 and 30-35 remain in the application. Claims 26 and 30-35 are subject to examination and claims 2-9, 11, 12, and 18-25 have been withdrawn from examination. Claims 26, 32, 33, and 35 have been amended.

Under the heading "Response to Applicants Arguments" on page 2 of the above-identified Office Action, it appears that claim 26 has been rejected under 35 U.S.C. § 101. Applicant respectfully traverses.

Applicant believes that the claims comply with the requirements of 35 U.S.C. § 101. However, applicant wishes to settle this issue if possible. If the Examiner is not satisfied with the explanation that has been given below, applicant requests a telephone interview so that the matter could be discussed and so that hopefully an agreement could be reached between the Examiner and counsel. If the Examiner would like to see any specific feature added to the claims, applicant would appreciate receiving the thoughts and suggestions of the Examiner.

With regard to claim 26, the Examiner has stated that the inclusion of the telecommunications network is merely a recitation of insignificant extra solution activity. Applicant respectfully disagrees. The network is an integral part of the

invention. The potential customer places a telephone call using the network and the call is routed to a vendor using the network. Placing the call and routing the call to the selected vendor is not insignificant extra solution activity, but rather is integral to practicing the invention. In fact even the preamble specifies that the invention relates to routing a telephone call.

Additionally, claim 26 specifies that the identification code is obtained from the network and that the identification code is used to update a database. Thus the claim requires a telecommunications network that is used in placing and routing a telephone call and a database that is updated using an identification code that is obtained from the telecommunications network. Claim 26 also includes a step of placing an advertisement on an advertisement medium and therefore the claim also requires an advertisement medium.

Claim 30 has not been rejected or mentioned in the present office action; however it was mentioned in the previous Office action. Applicant points out that claim 30 adds an additional apparatus, namely the keypad of a telephone communicating with the telecommunications network.

Under the heading "Response to Applicants Arguments" on page 2 of the above-identified Office Action, it appears that claim 33 has been rejected under 35 U.S.C. § 112, first paragraph.

Claim 33 now recites: performing the step of selecting the particular one of the

plurality of vendors and routing the telephone call to the particular one of the plurality of vendors based at least in part on a financial range provided by the potential customer. Perhaps this slight rewording will make it easier for the Examiner to find support for the claim in the previously cited portions of the specification.

Paragraph 127 teaches that the particular vendor is selected based on bidding factor. Paragraph 127 also teaches that the bidding factor includes a bid made to the provider of the phone number. Importantly, paragraph 128 teaches that the bidding factor may optionally include a financial range provided by the customer. Paragraphs 127 and 128 clearly teach that the particular vendor is selected based on bidding factor and that the bidding factor may optionally include a financial range provided by the customer; therefore, logically it follows that the particular vendor is selected based at least in part on a financial range provided by the customer. Support is found for claim 33.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading "Claim Rejections – 35 USC § 102" on page 5 of the above-identified Office Action, claims 26, 30 and 33-35 have been rejected as being

fully anticipated by U.S. Patent No. 6,097,792 to Thornton under 35 U.S.C. § 102.

Claim 26 has been amended to better define the invention. Claims 32, 33, and 35 have been amended to be consistent with the changes to claim 26. Support for the changes can be found by referring to the specification at paragraphs 127, 128, and 131. Paragraph 127, for example, explains that the particular vendor is selected based on a bidding factor and that the bidding factor comprises a bid made to the provider that provides the phone number to the customer.

Claim 26 now includes a step of: based at least partly on bids made for routing the telephone call, selecting a particular one of the plurality of vendors and routing the telephone call through the telecommunications network to the particular one of the plurality of vendors.

Thornton is silent on such a limitation. Thornton teaches routing the call to a vendor based on the access number that the caller dialed and on the geographic location of the caller with respect to the geographic location of a broker, agent, dealership, branch or store of the subscriber or vendor.

Thornton teaches that the vendor, which is selected, and to which the call is routed, is always based on the access telephone number that was dialed by the customer. Thornton teaches that each subscriber (or vendor) is assigned one

or more incoming access telephone numbers, and that each subscriber (or vendor) is assigned a plurality of **unique** ID extension numbers for each of the phone numbers that have been assigned to that subscriber. These ID extension numbers correspond to recorded voicemail messages containing information about a particular item that is for sale (See column 8, lines 8-36). It should be clear that when a customer dials a particular access telephone number and then enters ID extension numbers, the voicemail messages, which the customer hears, have all been placed in the system by the subscriber (or vendor) that is associated with the access telephone number that was dialed by the customer.

Thornton also teaches that the call may be redirected based on the relative locations of the caller and a broker, agent, dealership, branch or store of the subscriber or vendor.

Column 15, lines 30-37 teaches: "The call redirection and routing feature was designed to be particularly useful for routing calls to business using the IVR system that have multiple locations or stores. For example, if a retail store, restaurant chain or real estate agency has 500 locations, with the use of this database the IVR system can put the caller in immediate communication with the branch closest to their calling area" (underlining added).

Column 15, lines 9-19 teach that the call rerouting function "could be used to reroute the phone call to the sponsor (subscriber) of the DNI, particular brokers

or agents, car dealerships, or to the branch of a real estate office closest to the callers home utilizing the already captured ANI and reverse match address information” (underlining added).

Thornton does not teach anything relating to routing the call based on bids.

The invention as defined by claim 26 is not anticipated.

Under the heading “Claim Rejections – 35 USC § 103” on page 6 of the above-identified Office Action, claims 31 and 32 have been rejected as being obvious over U.S. Patent No. 6,097,792 to Thornton under 35 U.S.C. § 103. Applicant respectfully traverses.

The invention as defined by claims 31 and 32 is not obvious for the reasons given above with regard to claim 26. Applicant believes that the additional features are also not obvious.

The Examiner has stated it would have been obvious to incorporate “using advertising code identification to identify geographic location and routing a call based on the geographic code with the motivation of targeting consumers within a specified area and providing them with the appropriate services.” The Examiner continues, “The claimed feature is a simple substitution of Thornton’s teaching of using the ID extension numbers (identification code) to identify various features within an advertisement such as homes, cars, particular category and/or location that yield the same result.

Applicant disagrees with the assertions that the modification is a “simple substitution” and that it would yield the “same result”. If one “substituted” the associations of the ID extension numbers such that they were not associated with particular products, but rather were associated with geographic limitations, the ability of the caller to obtain specific information about the products associated with the ID extension numbers would be lost. This ability is one of the main goals of Thornton. Such a substitution, which would have resulted in losing the ability to hear recorded information about particular products, would not have been made.

Furthermore, the Examiner has not provided any reason why one of ordinary skill in the art would have been motivated to make such a substitution. There does not seem to be any reason to deviate from Thornton’s specific teaching of obtaining the phone number of the caller in order to ascertain the location of the caller.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 26. Claim 26 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 26.

In view of the foregoing, reconsideration and allowance of claims 26 and 30-35 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

/Mark P. Weichselbaum/  
Mark P. Weichselbaum  
(Reg. No. 43,248)

MPW:cgm

November 13, 2009

Lerner Greenberg Sterner LLP  
P.O. Box 2480  
Hollywood, Florida 33022-2480  
Tel.: (954) 925-1100  
Fax: (954) 925-1101